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INTELLECTUAL PROPERTY LAW DEPARTMENT
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AUSTIN, TEXAS 78758
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United States Patent Office

Examiner:

H. N. Patel

Group Art Unit:

2126

Tel No:

512-272-3973

Fax #:

512-272-8300

FROM:

J.B. KRAFT

Tel No:

512-473-2303

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Docket No. AUS20060172 US Serial No. 09/559,749 Atty: J.B. KRAFT

Applicant: B. S. Baweja et al

☐ Transmittal Letter (2 copies)

☐ Certificate of Facsimile

☐ Preliminary Amendment

☐ Notice of Appeal

☐ Amendment AF

☐ Appeal Brief (3 copies)

☐ Ext. of Time

☒ Reply Brief (3 copies)

☐ IDS Statement

☐ Change of Address

☐ Other 09-0447

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Fees: Amendment ☐ Notice of Appeal ☐ Appeal Brief ☐ Other ☐

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2126
: Examiner: H. N. PATEL
Balijee S. Baweja et al. : Intellectual Property
Serial No: 09/589,799 : Law Department - 4054
Filed: 06/08/2000 : International Business
Title: AN INTERACTIVE DATA : Machines Corporation
PROCESSOR CONTROLLED DISPLAY : 11400 Burnet Road
INTERFACE FOR TRACKING OF : Austin, Texas 78758
ALLOCATED MESSAGES IN A : Customer No. 32,329
DYNAMIC WORKLOAD BALANCING :
COMMUNICATION SYSTEM :
Date: 01/02/06 :

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence including the present Reply Brief (in triplicate) is being transmitted via facsimile to USPTO, Group Art Unit 2154 at telephone number 571-273-8300, and to the attention of Examiner H. N. Patel on 01/02/06

J. B. Kraft
J. B. Kraft

REPLY BRIEF ON APPEAL
BEFORE THE BOARD OF APPEALS
AND INTERFERENCES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Reply Brief to the Examiner's Answer mailed November 3, 2005.

In the Answer, the Examiner makes some new arguments which Applicants need to briefly address. The Examiner notes that Applicants' Brief contains no statement as to

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whether the grouping of the claims stand or fall together. It is Applicants understanding that such a statement in the Brief is no longer required under the recently changed Appeal Rules.

At various points in the Answer, the Examiner contends that Applicants have described their invention in terms not included in claims. Applicants concede that they may have described the invention in terms not in the claims. However, such terminology is permissible if used to provide a background as to the problems involved which led to the invention. The Brief did clearly set forth the elements of the claimed invention which the combination of art applied by Examiner failed to suggest:

Claim 1 means for requesting the performance of a data processing transaction,
a server computer for said distributing said transaction into a plurality of messages and allocating said messages to different computer systems,
a server queue associated with said server computer for storing the plurality of messages from the distributed transaction, and
user interactive display means for displaying said queue of allocated messages and associated computer systems." (underlining provided)

The combination of the Tobe and Kitagawa patents failed to suggest the combination of the underlined elements. The Examiner took judicial notice that it was known to store messages to be displayed in a queue. Applicants submit that queues in general are known in the art. However, what is unknown in the art is the Applicants' recognized problem of the difficulty of tracking allocated messages in workload

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distribution systems which are lost or delayed, and Applicants' novel solution of storing all messages distributed and allocated by the server in a server queue which the user is enabled to display. "Official Notice" should not be permitted to obviate this whole point of invention. Thus, Applicants' invention is not just storing messages waiting to be displayed in a queue. The invention involves the recognition of the need for a display and a supporting queue of allocated messages at the distributing server.

Accordingly, for the above reasons and for the reasons set forth in the Brief on Appeal, it is respectfully requested that the Final Rejection be reversed, and that claims 1, 3-7, 9-12, and 14-17 be found to be in condition for allowance.

Respectfully submitted,

J.B. Kraft 01/02/06
J. B. Kraft
Attorney for Applicants
Registration No. 19,226
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ALL CORRESPONDENCE SHOULD BE DIRECTED TO:

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